

SEMENZA KIRCHER RICKARD  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
Telephone: (702) 835-6803

Lawrence J. Semenza, III, Esq., Bar No. 7174  
Email: ljs@skrlawyers.com  
Christopher D. Kircher, Esq., Bar No. 11176  
Email: cdk@skrlawyers.com  
Jarrod L. Rickard, Esq., Bar No. 10203  
Email: jlr@skrlawyers.com  
SEMENZA KIRCHER RICKARD  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
Telephone: (702) 835-6803  
Facsimile: (702) 920-8669

*Attorneys for Plaintiff Wynn Resorts Holdings, LLC*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

WYNN RESORTS HOLDINGS, LLC, a  
Nevada Limited Liability Company,

Plaintiff,

v.

GRAFFX DESIGN, an entity of unknown  
origin,

Defendant.

Case No. 2:05-cv-01447-KJD-PAL

**AFFIDAVIT OF RENEWAL OF  
JUDGMENT**

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF CLARK     )

Plaintiff/Judgment Creditor Wynn Resorts Holdings, LLC, by and through Jennifer Lake its authorized representative, and pursuant to NRS 17.214, first being duly sworn according to law, hereby submits this Affidavit of Renewal of Judgment against Defendant/Judgment Debtor Graffx Design ("Judgment Debtor").

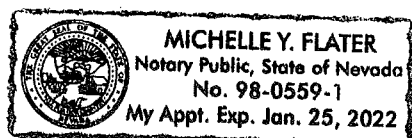
1. I am a Litigation Paralegal for Wynn Las Vegas, LLC d/b/a Wynn Las Vegas, the Plaintiff/Judgment Creditor in the above-entitled action. I have personal knowledge of the facts contained in this Affidavit and if called to do so, would testify competently thereto.

2. The Judgment was originally recorded in Clark County, Nevada on June 20, 2006, instrument number 200606200003557.

JENNIFER LAKE

Subscribed and sworn before me  
this 10 day of May 2018.

Michelle J. Glavin  
Notary Public



SEMENZA KIRCHER RICKARD  
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Telephone: (702) 835-6803

**CERTIFICATE OF SERVICE**

I am employed by the law firm of Semenza Kircher Rickard in Clark County. I am over the age of 18 and not a party to this action. My business address 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

On the 10th day of May 2018, I served the document(s), described as:

**AFFIDAVIT OF RENEWAL OF JUDGMENT**

- ☒ by placing the ☐ original ☒ a true copy thereof enclosed in a sealed envelope addressed
- ☒ a. via **ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

Mark G Tratos  
Laraine M I Burrell  
**Greenberg Traurig, LLP**  
tratosm@gtlaw.com  
burrelll@gtlaw.com

Ronald D Green, Jr.  
**Randazza Legal Group**  
rdg@randazza.com

Andrew Sedlock  
**Glaser, Weil, Fink, Jacobs, Howard & Shapiro, LLP**  
Asedlock@drpfirm.com

- ☒ b. **BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Semenza Kircher Rickard's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

Graffx Design  
10635 East Sunnyside Drive  
Scottsdale, Arizona 85259

- ☐ c. **BY PERSONAL SERVICE.**
- ☐ d. **BY DIRECT EMAIL.**

///

☐ e. **BY FACSIMILE TRANSMISSION.**

**I declare under penalty of perjury that the foregoing is true and correct.**

/s/ Olivia A. Kelly

An Employee of Semenza Kircher Rickard

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# **EXHIBIT A**

# **EXHIBIT A**

1 Mark G. Tratos (Bar No. 1086)  
Ronald D. Green Jr. (Bar No. 7360)  
2 Laraine M. I. Burrell (Bar No. 8771)  
Andrew D. Sedlock (Bar No. 9183)  
3 GREENBERG TRAURIG, LLP  
3773 Howard Hughes Parkway  
4 Suite 500 North  
Las Vegas, Nevada 89109  
5 Telephone: (702) 792-3773  
Facsimile: (702) 792-9002  
6

7 Counsel for: Plaintiff

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 Wynn Resorts Holdings, LLC, a Nevada  
Limited Liability company,

11 Plaintiff,

12  
13 v.

14  
15 Graffx Design, an entity of unknown origin,  
16 Defendant.  
17  
18  
19  
20

Case No. CV-S-05-1447-KJD-PAL

**DEFAULT JUDGMENT**

21 Plaintiff Wynn Resorts Holdings, LLC, having filed a Motion for Entry of Default  
22 Judgment against Defendant Graffx Design pursuant to Rule 55 of the Federal Rules of  
23 Civil Procedure; the Defendant having failed to respond to, or answer, Plaintiff's Complaint  
24 previously served upon Defendant; the Clerk of the Court having entered Default against  
25 Defendant on Graffx Design; this Court having now given due consideration to Plaintiff's  
26 Motion for such judgment as well as papers, pleadings, and exhibits offered in support  
27 thereof; and the Court being further fully advised in the matter and there having been no  
28 appearance made by Defendant, it is therefore,

1 ORDERED, ADJUDGED and DECREED that Judgment be entered in favor of  
 2 Plaintiff Wynn Resorts Holdings, LLC, and against Defendant Graffx Design on all counts of  
 3 Plaintiff's Complaint; and, it is further ordered and adjudged that said Judgment shall  
 4 include the following specific findings of fact and award of specific relief:

- 5 a. Plaintiff Wynn Resorts Holdings, LLC is the owner of certain Wynn  
 6 trademarks and variations thereof used in relation to casino services as  
 7 identified in the Complaint;
- 8 b. Plaintiff Wynn Resorts Holdings, LLC's Wynn marks are famous;
- 9 c. Defendant registered and used the Infringing Domain Name  
 10 <playandwynn.com> with the bad faith intent to profit from its use of Plaintiff's  
 11 marks;
- 12 d. Defendant provided online promotional and advertising services at the  
 13 Graphic Domain Services web site, which was accessible through  
 14 Defendant's Infringing Domain Name at <playandwynn.com>.
- 15 e. Plaintiff and Defendant are competitors and the respective services offered by  
 16 each are similar;
- 17 f. Defendant's use of the term 'Wynn' in connection with its services is likely to  
 18 cause confusion as to the source and origin of Defendant's services;
- 19 g. Defendant's use of the term 'Wynn' in connection with its services has and is  
 20 likely to continue to cause dilution of Plaintiff's Wynn marks;
- 21 h. Should Defendant's use of the term Wynn continue, Plaintiff will continue to  
 22 suffer irreparable injury to its good will and reputation which was established  
 23 through use of the Wynn marks and for which an award of damages would be  
 24 inadequate.
- 25 i. Should Defendant's use of the term Wynn continue, Plaintiff will continue to  
 26 suffer irreparable injury as the Wynn marks will lose their capacity to identify  
 27 its goods and services; i.e., they will be diluted, for which an award of  
 28 damages would be inadequate;

1 j. Defendant acted willfully in its infringement and dilution of the Wynn marks;  
2 and

3 k. Defendant is liable for its infringement, dilution, unfair competition and  
4 cybersquatting.

5 THEREFORE, IT IS HEREBY ORDERED that the Defendant Graffx Design, its  
6 respective officers, agents, servants, employees, and/or all persons acting in concert or  
7 participation with it, (1) from using Plaintiff's trademarks or confusingly similar variations  
8 thereof, alone or in combination with any other letters, words, letter strings, phrases or  
9 designs, in commerce or in connection with any business or for any other purpose  
10 (including, but not limited to, on web sites and in domain names); and (2) from registering,  
11 owning, leasing, selling or trafficking in any domain name containing Plaintiff's trademarks  
12 or confusingly similar variations thereof, alone or in combination with any other letters,  
13 words, phrases or designs;

14 IT IS FURTHER ORDERED that the current registrar of the <playandwynn.com>  
15 domain name shall immediately unlock and permanently transfer the <playandwynn.com>  
16 domain name to Plaintiff;

17 IT IS FURTHER ORDERED that Defendant is permanently enjoined from accepting  
18 bets, for money or not, from persons located in the United States or domiciled within or  
19 outside of the borders of the United States, from any online casino or Internet gaming site  
20 using a web site or domain name with any variation or letter string containing the Wynn  
21 marks;

22 IT IS FURTHER ORDERED that Defendant pay Plaintiff \$1,000 in nominal damages  
23 for corrective advertising;

24 IT IS FURTHER ORDERED that Defendant pay Plaintiff statutory damages of  
25 \$100,000;

26 IT IS FURTHER ORDERED that Defendant pay Plaintiff's attorneys' fees and costs  
27 in the amount of \$3,329.85;

28 ///



1 IT IS FURTHER ORDERED that Plaintiff's cash deposit of One Hundred Dollars  
2 (\$100.00) be released from the Registry Account of this Court and returned to Greenberg  
3 Traurig.

4 IT IS FURTHER ORDERED that jurisdiction of this case shall be retained by this  
5 Court for the purpose of enforcement of this Judgment.



UNITED STATES DISTRICT JUDGE

DATED: 5/15/06

Submitted by:

GREENBERG TRAURIG, LLP

Mark G. Tratos (Bar No. 1086)  
Ronald D. Green Jr. (Bar No. 7360)  
Laraine M. I. Burrell (Bar No. 8771)  
Andrew D. Sedlock (Bar No. 9183)  
3773 Howard Hughes Parkway  
Suite 500 North  
Las Vegas, Nevada 89109  
Counsel for Plaintiff

Greenberg Traurig, LLP  
Suite 500 North, 3773 Howard Hughes Parkway  
Las Vegas, Nevada 89109  
(702) 792-3773  
(702) 792-9002 (fax)